

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In Re:	Bankruptcy 03-33188
	Chapter 7 Case
Janis S. Currell,	Adversary

Debtor,

Michael J. Iannacone, Trustee,

Plaintiff,

COMPLAINT

v.

Janis S. Currell,

Defendant.

Now comes forth the Plaintiff and for his Complaint against the Defendant states and alleges:

1. That Plaintiff is the duly appointed, qualified and acting Trustee in the estate of the above named Debtor.
2. That the Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. §157 and 11 U.S.C. §727(d)(2) and (d)(3) and §727(e)(2). This is a core proceeding.
3. That on May 5, 2003, Michael J. Iannacone was appointed Interim Trustee.
4. That the debtor was granted a discharge in this case by Order dated August 6, 2003.
5. That Debtor and her attorney appeared and testified at the First Meeting of Creditors on June 6, 2003 at which time the Debtor was advised that a portion or all of her 2003 state and federal tax refunds were assets of the bankruptcy estate.

6. That on January 28, 2004, Debtor was notified to submit tax returns to the trustee to determine that portion belonging to the estate.
7. That on April 21, 2004 the trustee applied for, and obtained, an Order directing Debtor to surrender the property by June 7, 2004.
8. That said tax returns may disclose a tax refund all, or a portion of which may be property of the debtor's bankruptcy estate. Without copies of debtor's tax returns, it is impossible to calculate and to plead with certainty the amount of debtor's tax refund due to Debtor's estate, if any.
9. That Debtor has failed to turn over said returns and, any refunds which may have been disclosed therein, which is property of the debtor's bankruptcy estate nor has Debtor responded in any way.

COUNT ONE

10. Reallege the allegations contained in paragraphs 1 through 9 as though fully set forth herein.
11. That the Debtor may have acquired property that is property of the Debtor's bankruptcy estate and knowingly and fraudulently failed to deliver or surrender such property to the trustee.
12. That pursuant to 11 U.S.C. §727(d)(2), the Court shall revoke a discharge granted if the Debtor has acquired property of the estate and knowingly and fraudulently has failed to deliver or surrender such property to the trustee.

COUNT TWO

13. Reallege the allegations contained in paragraphs 1 through 12 as though fully set forth herein.

14. That the Debtor has failed to obey a lawful Order of the Court, the Order of May 26, 2004 for the turnover of tax returns.
15. That pursuant to 11 U.S.C. §727(a)(6)(A) and 727(d)(3), the Court shall revoke the discharge granted if the debtor has refused to obey any lawful Order of the Court.

WHEREFORE, Plaintiff prays that the discharge granted to the defendant be revoked, that Plaintiff be awarded his costs and disbursements herein, including such reasonable attorney's fees as the Court may allow, and for such other and further relief as the Court deems just and equitable in the premises.

Dated: June 22, 2004

/e/ Michael J. Iannacone
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